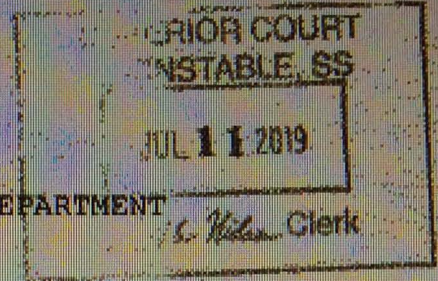


COMMONWEALTH OF MASSACHUSETTS



BARNSTABLE, ss.

SUPERIOR COURT DEPARTMENT  
Civil Action No.

COMMONWEALTH OF MASSACHUSETTS  
Plaintiff

COMPLAINT FOR FORFEITURE

vs.

ONE 2007 AUDI A4  
VIN: WAUDF78E67A100775  
Defendant.

1. The plaintiff is the Commonwealth of Massachusetts.
2. This complaint is brought in the name of the Commonwealth of Massachusetts by the District Attorney of the Cape and Islands District seeking an order of forfeiture of the defendant pursuant to M.G.L. Chapter 94C, Section 47.
3. ONE 2007 AUDI A4, VIN: WAUDF78E67A100775, seized on May 23, 2019 from the property of LUIS F. MARTINEZ, DOB: 12/06/1979, Criminal Docket #: 1926CR00431.
4. The circumstances surrounding said seizure are contained within the attached affidavit, which is hereby incorporated by reference.
5. The defendant was used or intended for use to facilitate the distribution or possession with intent to distribute a controlled substance in violation of this chapter.




WHEREFORE, the plaintiff prays:

1. That notice issue to persons who appear to have an interest in the defendant to appear on its behalf as follows:
  - a. Notice by certified or registered mail be given by the Commonwealth as provided in M.G.L. Chapter 94C, Section 47 (d).
2. That the matter be set down for a hearing.
3. That after hearing, the Court issue an order forfeiting the defendant to the District Attorney's Office in behalf of the Commonwealth.

For the Commonwealth,

Michael O'Keefe  
District Attorney  
Cape & Islands District

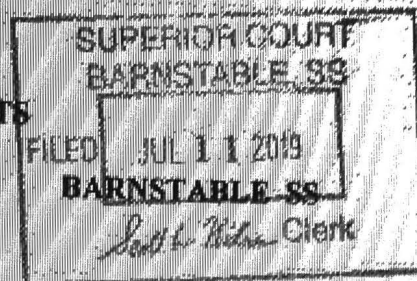
By:   
Michael Donovan  
Assistant District Attorney

Dated: July 10, 2019



**COMMONWEALTH OF MASSACHUSETTS**

**AFFIDAVIT**



**Commonwealth of Massachusetts  
Plaintiff**

**VS.**

**2007 AUDI A4, VEHICLE IDENTIFICATION NUMBER: WAUDF78E67A1100775**

I, Robert A. Schnitzer, (affiant) being duly sworn do depose and say:

This affiant is currently a Detective Sergeant, Court Prosecutor, Evidence Custodian, and Juvenile Officer for the Eastham Police Department. This affiant holds a Bachelor's Degree in Criminal Justice from Marist College, and a Master's Degree in Criminal Justice Administration from Western New England University. This affiant graduated from the City of Kingston, NY Police Academy in 1997, and has since been continuously employed by police departments in New York State and the Commonwealth of Massachusetts. This affiant has been a police officer with the Town of Eastham Police since 2001, and has held the rank of Sergeant since 2005. This affiant has attended annual in-service trainings while in both New York and Massachusetts, and has been trained in the following, but not limited to: interviews and interrogations, search and seizure, evidence collection and processing, search warrants, sexual assault investigations, background investigations, internal affairs investigations, victim trauma, social media and digital evidence, juvenile law, and narcotics investigations. This affiant has also investigated cases resulting in the arrest and conviction of persons for violations of drug laws which included the seizure of drugs, monies and other properties associated with the trafficking and or distribution of drugs.

The following facts and information is based upon the knowledge of all of the investigating officers named herein, their investigation, and the discovery and processing of evidence tied to what is believed to be the distribution of drugs in exchange for money by Mr. Luis F. Martinez (DOB 12/06/79), while utilizing and operating his 2007 Audi A4 motor vehicle (Massachusetts Registration: 9DJ598, Vehicle Identification Number: WAUDF78E67A1100775) to transport his drug products and cash transaction proceeds as part of an illicit drug distribution enterprise.

1. On Thursday, May 23, 2019, at approximately 01:18 am, Eastham Police Officer Ryan Melia and Eastham Police Sergeant Reid Booth were advised by Eastham Police Dispatch of a motor vehicle operations complaint involving a gray Audi traveling northbound on Route 6 in the Town of Eastham. Dispatch advised that the reporting party, identified as Lauren Boardman, stated that the vehicle was being driven by Luis Martinez and that he had been pulling into her driveway and harassing her. Boardman also advised that she believed that Martinez was operating under the influence of alcohol. Boardman advised that the gray Audi had pulled out of her driveway and had started driving northbound on Route 6. Route 6 is a public way in the Town of Eastham.
2. In the area of Route 6 and Governor Prentice Road, Sergeant Booth observed a gray Audi, Massachusetts registration: 9DJ598, traveling northbound in the travel lane. Sgt. Booth



made observations of the operation of said vehicle, and subsequently initiated a motor vehicle stop for traffic violations in the area of 3580 Route 6 (Arnolds Restaurant).

3. Upon approach of the vehicle, Sgt. Booth identified the operator as Luis F. Martinez through his valid Massachusetts driver's license. Sgt. Booth made observations of Martinez which led to further investigation for suspicion of operating a motor vehicle under the influence of alcohol.
4. Sgt. Booth requested Martinez exit the vehicle for field sobriety testing, and at the end of this testing, Sgt. Booth arrested Martinez for Operating Under the Influence of Alcohol.
5. As per Eastham Police Department Policy and Procedure, Sgt. Booth conducted a motor vehicle inventory search prior to the removal of the vehicle by towing.
6. Upon opening the trunk to complete the inventory, Sergeant Booth located a blue backpack on the left side of the trunk. Upon unzipping the backpack, and taking inventory of the contents, Sergeant Booth located:
  - a. (5) Glass Mason type jars,
    - i. (4) Glass jars contained a green leafy substance, suspected of being marijuana,
    - ii. (1) Glass jar which contained a substance suspected of being psilocybin mushrooms.
  - b. In a separate pocket of the backpack was:
    - i. (1) Digital scale.
    - ii. (1) Green "TD Bank" zippered money pouch, typically used to transport cash.
      - 1) Inside of the money pouch were two bundles of cash, one containing \$1,820.00, and one containing \$2018.00, for a total of \$3,838.
  - c. (1) Glass smoking pipe,
  - d. (1) Small vial containing an unknown liquid.
  - e. (1) Open box of *Simply Done* plastic sandwich bags near where the backpack had been located.
  - f. (1) Green reusable *Stop and Shop* bag that bag that contained:



- i. (3) Additional glass jars containing a green leafy substance suspected of being marijuana.
  - g. (1) Additional glass jar was located in the trunk on the right side containing a green leafy substance suspected of being marijuana.
7. Pursuant to department policy and procedure, and during an inventory in the Eastham Police Department booking room, \$1,827.45 in cash was located on Martinez.
8. The total amount of cash found in the aforementioned backpack and during booking equaled a total of: \$5665.45
9. This affiant processed the drug evidence and monies seized with Officer Melia and Sergeant Booth at the Eastham Police Station.
  - a. During the processing of the evidence at the Eastham Police Department, this affiant located:
    - i. Paper bands typically used to separate bundles of cash.
    - ii. A green leafy substance believed to be marijuana that was loose in the backpack. This affiant collected this substance and placed it in (1) glassine envelope.
10. On 06/20/2019, this affiant transported to the Crime Lab in Sudbury the following for analysis:
  - a. (1) Glass jar containing items that appeared like mushrooms.
  - b. (8) Glass jars containing a green leafy substance.
  - c. (1) Glassine envelope containing a green leafy substance.
  - d. (1) Small vial containing a liquid.

Based upon collective training and experience, this affiant, and the investigating officers named herein, believe the totality of the aforementioned evidence found to be in Martinez's possession, and in Martinez's aforementioned vehicle, in transport, is consistent with illicit distribution of drugs, to include, but not limited to, marijuana and psilocybin mushrooms, in exchange for cash, and the following all being located and / or transported in Martinez's vehicle, is indicative of a drug distribution enterprise with the utilization and incorporation of said vehicle: a large quantity of cash (\$5665.45) separated in (3) bundles, the presence of a zippered money pouch used to carry \$3,838.00 in cash, the presence of \$1,827.45 being carried on Martinez, the presence of paper money bands to separate bundles of cash, the presence of a digital scale, typically used to weigh an illicit product, the presence of different jars to separate the illicit products, the presence of a handwritten label ("NYC Diesel") in one of the jars, typically done to identify the type of illicit product, and the presence of plastic baggies, typically used in packaging the illicit product. Based on the aforementioned facts and information, it is this affiant's belief, along with the



belief of the herein named investigating officers, that Luis F. Martinez was engaged in the illegal distribution of controlled substances, and the aforementioned vehicle was involved in the distribution enterprise. Consequently, this affiant respectfully requests that Martinez's aforementioned vehicle be seized and forfeited.

This affidavit subscribed to and sworn to under the pains and penalties of perjury.

A handwritten signature in dark ink, appearing to read 'R. Schnitzer', written over a horizontal line.

Robert A. Schnitzer  
Detective Sergeant  
Eastham Police